

Fresno, California

February 10, 2011

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Oliver Baines III	Councilmember
	Andreas Borgeas	Councilmember
	Clinton Olivier	Acting Council President
	Sal Quintero	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Councilmember
	Lee Brand	Council President

Mark Scott, City Manager  
Bruce Rudd, Assistant City Manager  
Jim Sanchez, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Imam Seyed Ali Ghazvini of the Islamic Cultural Center gave the invocation, and Councilmember Borgeas led the Pledge of Allegiance.

COMMENDATION TO THE VETERANS ADMINISTRATION MEDICAL CENTER (VAMC), IN COLLABORATION WITH THE CITY OF FRESNO/DEPARTMENT OF TRANSPORTATION, FOR ENHANCEMENTS TO BUS STOP AMENITIES AROUND VAMC PROPERTY AT CLINTON AND FRESNO STREET

Commendation read and presented.

----

**APPROVE CITY OF FRESNO CULTURAL ARTS PROPERTIES (COFCAP) MINUTES OF JANUARY 27, 2011**

On motion of Councilmember Olivier, seconded by COFCAP Member Westerlund, duly carried, RESOLVED, the COFCAP minutes of January 27, 2011, approved as submitted.

----

**COUNCIL MEMBER REPORTS AND COMMENTS:**

Councilmember Xiong extended a sincere thank you from the community to the city administration and staff on Gen. Van Pao's funeral service, extended a special thank you to Parking Manager Estabrooke for doing a yeoman's job in managing the three activities that were going on at the convention center complex, and thanked his council colleagues for their support.

Councilmember Westerlund (1) extended his condolences on General Pao's passing and also his congratulations on an amazing event; (2) pursuant to AB 1234 reported on his one day trip last Thursday to Sacramento to testify on the RDA and the Governor's proposal along with his meetings with various officials; (3) noted these past few days an auditor from the State Controller's office has been auditing the redevelopment agency and based on his talks with the auditor advised no discrepancies or issues of significance were found up to this point and added things could always change; and (4) relative to the Charter Review Committee stated in his recent review he did not recall approving language wherein committee members are not able to speak to anyone outside the committee, including the appointing council member, adding that was not consistent with his understanding of the Brown Act which the committee fell under. City Attorney Sanchez stated the Brown Act allows legislative body members to speak with council members or the public but they cannot speak with a majority of the body outside of the public forum, and stated his office would look in the provisions of the Charter Review document and report back. Councilmember Borgeas stated Councilmember Westerlund was correct on the provision stating the motivation for that was outside lobbying efforts with the design being discussions with committee members taking place only in a public forum, and added there was an opening wherein the committee has the flexibility to make changes or rules on their own.

Councilmember Baines reported on his trip to Sacramento on Monday to attend hearings on the elimination of enterprise zones and redevelopment agencies along with his discussions with some assembly and senate members.

Acting President Olivier thanked the administration, City Manager Scott, and all city and agency staff who attended the Belmont Merchants Association meeting and spoke further to the success of the meeting and the purpose of the association and their scope of work.

-----

**APPROVE CITY COUNCIL MINUTES OF FEBRUARY 3, 2011**

On motion of Councilmember Westerlund, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of February 3, 2011, approved as submitted.

-----

**APPROVE AGENDA:**

**(10:00 A.M. #1) HEARING TO CONSIDER REVERSION OF ACREAGE ON THE FINAL MAP OF TRACT NO. 4983**  
**(Continue to March 3, 2011, at 10:30 a.m.)**

Continued as noted.

**(1-E) ADOPT A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITY) REGARDING MAXIMUM THREE-YEAR LEASE/USE RIGHTS CONTINUING EXISTING USES AT THE AIRPORT AG FARM PROPERTY BY THE POLICE DEPARTMENT AND THE FRESNO UNIFIED SCHOOL DISTRICT (FUSD)**

**#1 AUTHORIZE AMENDMENT NO. 1 TO THE MEMORANDUM OF AGREEMENT BETWEEN THE AIRPORTS DEPARTMENT AND THE POLICE DEPARTMENT**

**#2 AUTHORIZE AMENDMENT NO. 1 TO THE LEASE AND SERVICES AGREEMENT BETWEEN THE POLICE DEPARTMENT AND THE FUSD**

**#3 RESOLUTION - 44<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$13,400 INTO THE POLICE DEPARTMENT FY 2011 BUDGET FOR THE LEASE AND SERVICES AGREEMENT WITH THE FUSD**

City Clerk Klisch advised the police department would be making a clarifying comment during adoption of the Consent Calendar.

**(9:15 A.M. 'C') RESOLUTION - 69<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$500,000 OF REDEVELOPMENT AGENCY FUNDING IN THE PARCS DEPARTMENT TO CONSTRUCT LANDSCAPE IMPROVEMENTS AT THE NEIGHBORHOOD YOUTH CENTER LOCATED AT 1802 E. CALIFORNIA AVENUE**

Upon the request of Councilmember/RDA Chair Westerlund and with Council consensus Item 9:15 a.m. 'C' was moved to after related RDA Item 10:00 a.m. #2-C.

On motion of Councilmember Baines, seconded by President Brand, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

-----

**ADOPT CONSENT CALENDAR:**

**(1-E) ADOPT A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITY) REGARDING MAXIMUM THREE-YEAR LEASE/USE RIGHTS CONTINUING EXISTING USES AT THE AIRPORT AG FARM PROPERTY BY THE POLICE DEPARTMENT AND FRESNO UNIFIED SCHOOL DISTRICT (FUSD)**

- #1 AUTHORIZE AMENDMENT NO. 1 TO THE MEMORANDUM OF AGREEMENT BETWEEN THE AIRPORTS DEPARTMENT AND THE POLICE DEPARTMENT
- #2 AUTHORIZE AMENDMENT NO. 1 TO THE LEASE AND SERVICES AGREEMENT BETWEEN THE POLICE DEPARTMENT AND THE FUSD
- #3 RESOLUTION - 44<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$13,400 INTO THE POLICE DEPARTMENT FY 2011 BUDGET FOR THE LEASE AND SERVICES AGREEMENT WITH THE FUSD

Police Lt. Bennink corrected Item #2 to read: "Authorize Amendment No. 1 to the Lease and Services agreement between the City of Fresno through its Police Department and the Fresno Unified School District. So noted and corrected.

Councilmember Westerlund pulled Item **1-D** from the Consent Calendar for separate discussion/action.

**(1-A)** ADOPT CEQA CATEGORICAL EXEMPTION (EXISTING FACILITY) TO AUTHORIZE AMENDMENT NO. 3 TO THE LICENSE AGREEMENT WITH BANK OF AMERICA FOR ATM SERVICES IN THE PASSENGER TERMINAL AT FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT

#1 AUTHORIZE AMENDMENT NO. 3 TO THE LICENSE AGREEMENT WITH BANK OF AMERICA FOR THE OPERATION OF AN ATM MACHINE AT FYI AT THE RATE OF \$6,000 PER YEAR

**(1-B)** ADOPT CEQA CATEGORICAL EXEMPTION (EXISTING FACILITY) TO AUTHORIZE AMENDMENT NO. 4 TO THE LEASE WITH NICHOLAS J. PALOMARES, DBA AIRPORT BARBERSHOP, FOR BARBERSHOP SERVICES IN THE PASSENGER TERMINAL AT FRESNO YOSEMITE INTERNATIONAL AIRPORT

#1 AUTHORIZE AMENDMENT NO. 4 TO THE LEASE FOR AN INDEFINITE PERIOD OF TIME ON A MONTH-TO-MONTH BASIS UNTIL TERMINATED BY EITHER PARTY ON THIRTY DAYS NOTICE, AT A RENTAL OF \$150 PER MONTH OR AN AMOUNT EQUIVALENT TO FIFTEEN PERCENT OF GROSS RECEIPTS, WHICHEVER IS GREATER

**(1-C)** APPROVE THE PARTIAL ACQUISITION OF ONE PUBLIC STREET EASEMENT FROM ONE PARCEL OWNED BY THE WESTERN DIOCESE OF THE ARMENIAN CHURCH OF NORTH AMERICA, FOR THE APPRAISED VALUE OF \$700.00, FOR PLACEMENT OF TRAFFIC SIGNALS AT THE INTERSECTION OF FIRST STREET AND DAKOTA AVENUE

#1 AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

**(1-E)** ADOPT A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITY) REGARDING MAXIMUM THREE-YEAR LEASE/USE RIGHTS CONTINUING EXISTING USES AT THE AIRPORT AG FARM PROPERTY BY THE POLICE DEPARTMENT AND FRESNO UNIFIED SCHOOL DISTRICT (FUSD)

#1 AUTHORIZE AMENDMENT NO. 1 TO THE MEMORANDUM OF AGREEMENT BETWEEN THE AIRPORTS DEPARTMENT AND THE POLICE DEPARTMENT

#2 AUTHORIZE AMENDMENT NO. 1 TO THE LEASE AND SERVICES AGREEMENT BETWEEN THE CITY OF FRESNO THROUGH ITS POLICE DEPARTMENT AND THE FUSD

#3 **RESOLUTION NO. 2011-15** - 44<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$13,400 INTO THE POLICE DEPARTMENT FY 2011 BUDGET FOR THE LEASE AND SERVICES AGREEMENT WITH THE FUSD

**(1-F)** **RESOLUTION NO. 2011-16** - AUTHORIZE APPLICATION FOR AND ACCEPTANCE OF DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CalRecycle) LOCAL GOVERNMENT WASTE TIRE CLEAN-UP AND AMNESTY EVENT GRANT FUNDS, AND DESIGNATING THE DARM DIRECTOR OR DESIGNEE TO SIGN GRANT DOCUMENTS ON BEHALF OF THE CITY

On motion of Councilmember Westerlund, seconded by Acting President Olivier, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

----

**CONTESTED CONSENT CALENDAR:**

**(1-D) APPROVE THE FOURTH AND FINAL CHANGE ORDER FOR A CREDIT IN THE AMOUNT OF \$476,016 AND A PROJECT TIME EXTENSION OF 267 ADDITIONAL DAYS FOR THE ORGANIC UPGRADE CONSTRUCTION PROJECT AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)**

Assistant PUD Director Hogg responded to questions of Councilmember Westerlund and/or clarified issues relative to whether this project was completed, what the nature was of the unforeseen building code issues, if the final payment had been issued, if a survey was conducted with the contractor on the work that was done, and if a survey was planned. Upon further question City Manager Scott stated he had no objection with a survey and has always felt it was a good idea to work closely through projects from start to finish, with Mr. Hogg commenting additionally on the positive feedback from the contractor.

On motion of Councilmember Westerlund, seconded by Acting President Olivier, duly carried, RESOLVED, the fourth and final change order for the RWRF organic upgrade construction project as outlined above hereby approved, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand  
Noes : None  
Absent : None

-----

**CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL:**

**(‘A’) ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION: PACIFIC GAS AND ELECTRIC COMPANY V. CITY OF RESNO**

**(‘B’) EXISTING LITIGATION – CASE NAME: CITY OF FRESNO V. THE DISCOVERY CENTER**

The City Council met in closed session in Room 2125 at the hour of 9:12 a.m. to consider the above matters and reconvened in regular open session at 9:40 a.m. No announcements were made.

-----

**(9:15 A.M. ‘A’) RESOLUTION NO. 2011-17 - 70<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$9,031,700 IN 2010 WATER BOND A-2 (BUILD AMERICA BONDS) FUNDS FOR CONTINUANCE OF THE RESIDENTIAL WATER METER INSTALLATION PROJECT**

Assistant PUD Director Andersen reviewed the issue and recommended approval, all as contained in the staff report as submitted, and along with ACM Rudd responded to questions and request of Councilmember Westerlund relative to completion date for installation of all water meters, if the project was on schedule, if funds were being moved up due to the project being ahead of schedule, status of expenditures, if estimates were being met, if the project cost was now under the original estimate, and various questions received about the project process and billing and request to staff provide an update to Council next month on the overall project and related issues instead of a tray memo to bring the public up to date.

On motion of Councilmember Westerlund, seconded by President Brand, duly carried, RESOLVED, the above entitled Resolution No. 2011-17 hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand  
Noes : None  
Absent : None

-----

**(9:15 A.M. ‘B’) RESOLUTION NO. 2011-18 - AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR A LOW INTEREST LOAN IN THE AMOUNT OF \$75 MILLION FOR THE RETROFIT AND INSTALLATION OF RESIDENTIAL WATER METERS THROUGHOUT THE CITY, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES OR DESIGNEE(S) TO EXECUTE ALL APPLICATION DOCUMENTS ON BEHALF OF THE CITY, AS AMENDED, REDUCING THE \$75 MILLION AMOUNT TO \$30 MILLION**

**(2 – 0)** Assistant PUD Director Querin advised staff recently received notification from the Department of Public Health that the loan would cap at \$30 million, reviewed the issue and recommended approval as contained in the staff report as submitted, and responded to questions of Councilmember Westerlund and clarified issues relative to the source fund being federal funds administered through the state, if these were the same funds the city of Sacramento received, Fresno being unable to get a grant due to the city's rates being too low, request to staff to reach out to congressional representatives to get letters of support, if these funds could be applied to other uses. Councilmember Westerlund offered to assist staff in any way to get this funding and made a motion to adopt the resolution, as amended, for \$30 million, which motion was seconded by Councilmember Quintero. Acting President Olivier left the meeting at 9:56 a.m. Mr. Querin responded to questions of President Brand relative to whether the funds were replacing/supplementing the traditional utility enterprise bond, savings, and if the rate payers would ultimately benefit.

On motion of Councilmember Westerlund, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2011-18 hereby adopted, as amended, reducing the loan amount to \$30 million, by the following vote

Ayes : Baines, Borgeas, Quintero, Westerlund, Xiong, Brand  
Noes : None  
Absent : Olivier

-----

**(9:15 A.M. 'D') REJECT ALL BIDS TO CONSTRUCT THE CENTRAL AND SOUTHEAST DISTRICT POLICING STATIONS, ALONG WITH A SECURE STORAGE BUILDING AT THE SOUTHEAST DISTRICT STATION**

Public Works Director Weimiller reviewed the issue, stated meetings and discussions occurred this past week with Councilmember Xiong as he requested, and reiterated staff's recommendation to reject the bids due to the city's updated overall financial and economic picture. Acting President Olivier returned to the meeting at 9:58 a.m.

Councilmember Xiong thanked Council for the time given to have discussions and staff for continuing to work with the developer and looking at the central station down the road; requested staff provide an overall analysis on future projects as they are reassessed/reevaluated to have a broader picture perspective versus a project-by-project analysis; and presented questions and comments relative to when staff brings items to council once bids have expired, if there was any difference with this project since it was brought forth after bids expired, what the communication process was with council members and involved parties when bids expire, and request that staff communicate better with council in the future on time sensitive issues in their districts and be a lot clearer with partners and the community, with ACM Rudd and Mr. Weimiller responding throughout.

Councilmember Westerlund spoke in support of staff's recommendation and acknowledging disappointment that the projects could not be built stated rejecting the bids was the fiscally responsible step to take as there was no money and the general fund could not be put at risk, and presented questions relative to whether there was a general fund match of the police impact fees, amount of fee shortfall in terms of going forward, when revenue might be seen from the training center, and this matter being a question of affordability, with Mr. Weimiller and Mr. Rudd responding throughout. A motion and second was made to reject the bids as recommended. Mr. Weimiller responded to questions/comments of Councilmember Quintero relative to whether the current southeast station would remain open, if staff explored the past offer from a developer to build the southeast station at a cost to the city of \$1.00 a year, and recommendation to have one developer build both substations when the time comes. Noting Councilmember Westerlund was absent last week Councilmember Xiong clarified the issue for him was not about the budget but was about the process, how the matter was brought forth, and how he as the district representative was not engaged in discussions and further explained. Mr. Rudd responded to questions and comments of President Brand relative to fee presumption for the training center, if the 51% presumption had been tracked, and the need for sound, solid economic data in the future as the basis to move forward on projects and not speculative data.

On motion of Councilmember Westerlund, seconded by President Brand, duly carried, RESOLVED, all bids to construct the Central and Southeast District Policing Stations, along with a secure storage building at the Southeast Station, hereby rejected, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Westerlund, Brand  
Noes : Xiong  
Absent : None

-----

(10:15 A.M.) CONTINUED HEARING ON PLAN AMENDMENT APPLICATION NO. A-10-09, REZONE APPLICATION NO. R-10-07, AND ENVIRONMENTAL FINDINGS FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES, INC., ON BEHALF OF WILSON HOMES, PROPERTY LOCATED ON THE NORTH SIDE OF W. HERNDON BETWEEN N. VALENTINE AND N. MARKS AVENUES

#1 CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION PREPARED FOR E.A. NO. A-10-09/R-10-07/C-10-195/T-5983

#2 **RESOLUTION NO. 2011-19** - AMENDING THE FRESNO GENERAL PLAN, THE BULLARD COMMUNITY PLAN, AND THE SIERRA SKY PARK LAND USE POLICY PLAN (P.A. A-10-09)

#3 **BILL NO. B-5 - ORDINANCE NO. 2011-5** - AMENDING THE OFFICIAL ZONE MAP TO REZONE APPROXIMATELY 3.58 ACRES FROM C-P/EA/UGM TO C-1/EA-UGM, AND APPROXIMATELY 7.65 ACRES FROM C-P/EA/UGM TO R-2/EA/UGM, **AS AMENDED, ADDING TRAFFIC MITIGATION MEASURES OF A SOUTHBOUND LEFT-TURN LANE, A SOUTHBOUND SHARED LEFT-TURN AND THROUGH LANE, AND A RIGHT TURN LANE**

President Brand announced the time had arrived to consider the issue and opened the hearing.

Applicant representative Dirk Poeschel reviewed the issue and explained the project, and requested support as recommended by staff, the planning commission and the area implementation committee.

Joni Johnson, 3422 W. Los Altos, expressed traffic concerns, submitting written information into the record, and requested two left turn lanes traveling south on the old Valentine Avenue to mitigate traffic issues. City Traffic Engineer Jones advised a meeting was held with Ms. Johnson and spoke to project issues discussed, and advised the project would be designed with a southbound left turn lane, a southbound shared left turn and through lane, and a right turn lane to mitigate impacts.

Upon call, no one else wished to be heard and President Brand closed the public hearing.

Upon questions of Councilmember Borgeas Mr. Poeschel confirmed based on comments received areas residents were supportive of the project and they found this project to be an improvement over the previously approved project. Upon further questions Mr. Jones stated with the mitigation measures identified there would be no traffic problem at this location **(3 – 0)** and advised the intersection upgrade project was already awarded and construction would start this year. Councilmember Borgeas acknowledged this was a problem area and stated as development occurs the intersection would change for the better.

On motion of Councilmember Borgeas, seconded by Acting President Olivier, duly carried, **RESOLVED**, the subject environmental finding hereby adopted; the above entitled Resolution No. 2011-19 adopted; and the above entitled Bill No. B-5 adopted as Ordinance No. 2011-5, **as amended, adding a condition for a southbound left-turn lane, a shared left-turn and through lane, and a right-turn lane**, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

-----

(9:30 A.M.) RECOMMENDED COUNCIL ACTIONS FROM THE CITY COUNCIL FINANCE & AUDIT COMMITTEE – MEMBERS BORGEAS, BRAND AND XIONG

‘a’ RECEIVE FINDINGS OF THE COMMITTEE’S RECOMMENDATIONS ON THE SOUTHEAST GROWTH AREA (SEGA)

‘b’ **RESOLUTION** - SUSPENDING FURTHER CITY WORK AND INVESTMENT IN SEGA

‘c’ **RESOLUTION** - INITIATING THE “WEST FRESNO GROWTH PLAN”

‘d’ **RESOLUTION** - DIRECTING STAFF TO ESTABLISH A PRIORITY LIST OF PLANNING, INFRASTRUCTURE AND LAND USE PROJECTS

‘e’ **RESOLUTION** - DIRECTING STAFF TO EXPLORE THE PERCENT OF INFILL LAND DEVELOPED AS A TRIGGER FOR COMMENCING WORK ON SEGA

‘f’ **BILL** - BILL FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL CODE RELATING TO CONTRACTS NOT REQUIRING COMPETITIVE BIDDING

President Brand introduced the item and clarified the intent of this action was not to kill SEGA, the committee felt the master planning and principles of SEGA should be applied, and the intent was to honor the original MOU with Fresno County to develop SEGA, rectify some design flaws, and based on the current fiscal crisis bring SEGA forward in the future when money is available.

Councilmember Borgeas stated SEGA was good and progressive in many respects, the committee felt it was important to take a step back and bring clarity to what SEGA is and what it is not, SEGA was an institution and institutions will be protected, and some past behavior has demonstrated otherwise but Fresno cannot be afraid to admit when it makes mistakes; spoke to the committee's analysis, information requested, information not received, questions unanswered, and workshops not being scheduled as requested; clarified Council was being asked to receive -- not accept -- the findings as they were debatable; spoke to the outreach conducted; and reviewed and elaborated on Finding #1 (Committee finds the sole-source consulting contract entered into by the City of Fresno with Calthorpe Associates was in violation of City A.O. No. 6-19), Finding #2 (Committee finds the SEGA region is known to have insufficient water, and cost estimates on proposed water infrastructure are extraordinarily high), and Finding #3 (Committee finds SEGA is contributing to the decline of Fresno farmland), all as contained in the report to Council as submitted. President Brand stated SEGA was attractive looking at it from a distance but as the committee got into the research/details it became a totally different story, stated he approached the project with a sober, objective, business-type look into what SEGA really meant, and continued the presentation speaking to numbers and costs and reviewed and elaborated on Finding #4 (Committee finds the population projections used to justify SEGA are inconsistent with current growth trends), Finding #5 (Committee finds the theoretical financing mechanisms for SEGA infrastructure proposed by the Planning Department need to be determined as viable before planning continues), Finding #6 (Committee finds the estimated high per-housing-unit-cost to provide the capital infrastructure will likely not incentivize SEGA development nor provide affordable housing), Finding #7 (Committee finds the money spent on SEGA could have been re-directed and had a direct impact on the City's General Fund) **(4 – 0)**, and Finding #8 (Committee finds Fresno is spending more than its sister cities to be in compliance with AB32 and SB375 and its General Plan update, and there are inherent problems in implementing large scale smart growth policies in the Central Valley), all contained in the report submitted. President Brand and Councilmember Borgeas reiterated the committee was not trying to kill SEGA, stated SEGA needed to be retuned and revisited to make it realistic, old thinking needed to be changed, the market viability of SEGA remained unknown, the framing of the SEGA debate was inappropriate, lessons were learned from SEGA, and the draft EIR would be incorporated into the 2035 General Plan update. Councilmember Borgeas reviewed the committee's five recommendations as outlined in the report submitted, stated council members were fiduciaries and it was their job to make sure money was being spent wisely, and with above item 'a' not being an action item made a motion to continue Item 'b' (suspending further work on SEGA) for 30 days to allow staff to review and provide a response, and vote separately on Items 'c', 'd', 'e' and 'f', which motion was seconded by Councilmember Xiong.

Speaking to the issue were: Mike Wells, Fresno Metro Ministry, support for SEGA and items 'a' and 'd'; Patience Milrod, 844 N. Van Ness, concern with Council receiving findings without adoption/endorsement of facts asserted, and spoke to water, farmland and cost per unit issues; Sophia DeWitt, Housing Projects Director at Fresno Interdenominational Refugee Ministries, 4910 N. Sequoia, support for SEGA; and Janice Kroeger, 2046 W. Paul, concerns with violation of bidding process/difficulty in receiving information/wasting money, and spoke to water, farmland, eminent domain, and affordable housing issues.

#### **LUNCH RECESS – 12:01 P.M. – 1:34 P.M.**

Continued speakers were: Barbara Hunt, who expressed concern with Council not following the agenda schedule, and cited additional concerns relative to district and boundary area issues and SEGA; Rev. Sharon Stanley, Executive Director of Farm Refugee Ministries, southeast Fresno resident, support for SEGA; Kiel Famellos-Schmidt, 1405 N. Adoline, who spoke to planning, **(5 – 0)** infill development, and farmland issues and the need to focus on plans already in place; Jose Leon Barraza, 5288 E. Keaton, representing the Southeast Fresno Community Economic Development Association, concern with the focus on SEGA and ignoring other problems citywide; Mike Prandini, Building Industry Association, support for continuing item 'b', and support for items 'c', 'd' and 'e' and request to be included in 'e'; and Brunette Harris, HEAT for Southwest Fresno, opposed to SEGA and concerns with lack of noticing and southwest Fresno community meetings/input.

Upon call, no one else wished to be heard and President Brand closed public comment.

Councilmember Westerlund stated there was a whole other side to this story and a number of things he wanted to speak to and was ready to speak to but as a matter of courtesy stated he felt the entire matter, and not just item 'b', should be continued 30 days so the administration (mayor) can weigh in on all items; continued stating there was no time sensitivity here, an argument could be made that the subcommittee was way out of its jurisdiction over land use issues, it was a matter of professional courtesy for the City or the administration to be able to respond in writing whenever any type of audit is conducted, the committee had been dealing with this for over six months and the administration saw it less than seven days ago, and council members always ask for time to digest information when they have issues; and stated he hoped Council would give the mayor the courtesy and opportunity to respond in writing so Council could engage in a vigorous debate and made a motion to continue the entire matter to March 17, 2011, which motion was seconded by Councilmember Quintero.

Extensive Council discussion ensued. Councilmember Xiong stated he would have preferred to vote on all the issues this date but would honor the request of the committee majority to continue item 'b'; stated there was enough information and Council should be able to debate and move forward appropriately on items 'c', 'd', 'e' and 'f' adding he felt there was nothing major to support a 30 day continuance on those; and requested Council not support Councilmember Westerlund's motion as the committee spent a lot of time on these matters. Councilmember Borgeas stated with his motion to continue 'b' for 30 days a very serious time accommodation was given to the administration for review and a response, stated the remaining items were within Council's discretion and jurisdiction, and stated anyone who did not know this was occurring had to be "living under a rock" as endless discussions occurred and four public hearings had been held, along with meetings with the administration and submittal of material far in advance, and stated it was important to move forward on his motion. Acting President Olivier stated he was concerned with item 'c' in terms of the fiscal impact and staff time involved in initiating a West Fresno Growth Plan, whereupon Councilmember Borgeas stated work would not start from scratch, the proposal was included in the 1984 and 2025 general plans so the template was already there, a lot of the work would be done internally, and the issue/question was if the plan was a priority. Acting President Olivier stated he was supportive of suspending work on SEGA due to the cost but was worried about jumping into another project. President Brand added the committee was asking that the plan be included in the 2035 general plan update, it was part of the process, and he did not see any additional cost to do this. At this point Councilmember Westerlund stated his procedural motion was on the floor and remarks should pertain to continuing the entire matter, and relative to Councilmember Borgeas' comments stated what was new was the committee's findings which were the basis of the recommendations, reiterated it was important for the administration to be able to respond in writing, and added he did not understand why Council would not want them to respond if a real debate was desired unless some sort of agenda was being pushed.

City Manager Scott stated Council was well aware of the mayor's desire for time to respond to this, asked Council to think about the context stating this was a situation of a 45-minute presentation on an audit report and then a discussion on five recommendations intended to go forward, stated this was not simply a case of city staff not being able to respond but was also a case of the public not being able to respond, stated he had never heard of an audit process that did not allow time for a response from those that were audited, stated from what he has been able to see the report had some items of real merit that needed to be discussed and there were also some good recommendations, added he was not being defensive about the report and staff was more than willing to address issues that could be learned from in this report, and stated to address these matters right here on the spot was not the right way to do it as staff only had the material for less than one week and again asked for the courtesy of time.

Councilmember Baines questioned why Council might be resisting the request for time, if this matter was time sensitive, and if the administration's request for 30 days to respond was unreasonable. Councilmember Xiong stated the answer was not simple and Council would have to get into a substantive debate to answer, whereupon City Attorney Sanchez clarified Councilmember Baines' question related to the process and stated if Council gets into substance in response to that question that was permissible. Councilmember Xiong stated this involved a larger debate in terms of the budget and without getting into the matter at this time stated framing budget priorities would be helpful to better understand. President Brand stated hearings were held in December, every single finding in the report was discussed in detail, the conclusions were clearly stated in those meetings, staff knew specifically what the committee's concerns were as articulated in the report, the central issues were the findings and the suspension of SEGA, and 30 days was being given for the administration to respond to those issues and the mayor and city manager would probably agree the other items were okay. Mr. Scott stated he appreciated the effort that went into this but stressed the context could not be separated here, stated this all came forward together at the same time intentionally so, and although there had been significant public information stated the public and the mayor deserved a chance to comment on this in this context and it did to seem plausible to him that Council would not think that was an appropriate step to take. President Brand stated he could see both sides and respected the mayor's right to respond, and noted both the mayor and city manager were not present when the project was going on.

Councilmember Westerlund stated all the items were intertwined and brought forward in this context, stressed a continuance would be "no skin off anybody's nose", and if Council wanted an informed, vigorous debate on all the issues they should be as supportive as he was for staff's response. Councilmember Quintero stated he seconded the motion as he has received a lot of calls with majority being from his district, and he wanted to hear more input from the public and especially his district residents.

A motion of Councilmember Westerlund, seconded by Councilmember Quintero, to continue all the 9:30 a.m. items to March 17, 2011, failed, by the following vote:

Ayes	:	Baines, Quintero, Westerlund
Noes	:	Borgeas, Olivier, Xiong, Brand
Absent	:	None



President Brand noted the original motion was on the floor and Councilmember Borgeas clarified it was to continue Item ‘b’ for 30 days, and move forward and vote separately on Items ‘c’, ‘d’, ‘e’ and ‘f’.

**(‘b’) RESOLUTION - SUSPENDING FURTHER CITY WORK AND INVESTMENT IN SEGA**

Councilmember Westerlund stated he appreciated the motion to continue this 30 days but he still felt the findings (item ‘a’) needed to be discussed, concurred with Ms. Milrod that Council could not just receive the findings and then base recommendations for the suspension of SEGA without the appropriate foundational findings being in place, and requested item ‘a’ be continued for 30 days along with Item ‘b’. Discussion ensued on the receipt of reports through workshops/presentations being un-actionable items, with Councilmember Westerlund stating he disagreed and explained. Mr. Sanchez stated there was no mandatory requirement to act and if Council desired it could choose to receive information and take action.

On motion of Councilmember Borgeas, seconded by President Brand, duly carried, RESOLVED, the above entitled Resolution (item ‘b’) continued 30 days, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

Mayor Chief of Staff White requested clarification on which findings related to which recommendations, whereupon Councilmember Borgeas stated almost all the findings tied into Item ‘b’, only one finding pertained to Item ‘f’ (Calthorpe contract), and items ‘c’, ‘d’ and ‘e’ were irrelevant to the findings. Upon further question Councilmember Borgeas stated the basis of the recommendation was it fell into the discussion points of the committee and Council was being asked to receive the findings and not accept them as asking a body to endorse different findings was far too controversial.

Councilmember Westerlund stated this was getting incredibly convoluted and out of control stressing the heart of this action related to the findings and explained; **(6 – 0)** spoke to the committee’s work and expressed concern that the committee chair allowed the committee to go way beyond where it should have gone; distributed copies of the agenda item where the Finance/Audit Subcommittee was established for finance; stated all the committee’s work was on land use and if that was what the committee wanted to discuss they should have come to Council to make that request; stated this should be bothersome to Council because as the city grows and evolves to nine members Council is going to have to be able to work in subcommittees and going off in a political direction does damage to that ability; and stated the committee meetings in the past 1½ years have been related to this area where the committee has no jurisdiction as opposed to significant issues with the CAFR, bond financing and/or accounting and further elaborated. Councilmember Borgeas read into the record the duties of the committee as outlined in Resolution No. 2007-110, stated the committee was not limited to where it could go and explained, stated this matter was now going in a direction where no one really wanted it to go and added it was no secret Councilmember Westerlund vehemently opposed the committee’s SEGA investigation, and stated with all due respect the charge and jurisdiction of the committee cannot be questioned and asked that focus not be lost on what the emphasis of this really was. As the author of the committee’s establishment Councilmember Westerlund stated he wholeheartedly disagreed with Councilmember Borgeas, stated Councilmember Borgeas was not on Council when this was debated and had no insight into what the intent of the committee was and explained, stated the committee’s report and recommendations had no relationship to finances and audit of those finances, stressed initiating the West Fresno Growth Plan was a land use planning issue with no financial to it whatsoever, stated he had an issue with this matter because the procedure “stinks big time”, and stated if the committee wanted to talk about land use because they did not like SEGA they should have scheduled that matter before Council for a debate and decision.

President Brand stated this discussion was getting personal, he did not agree with the direction it was going, and for the sake of the organization he was going to vote that all five items be continued 30 days and requested concurrence from Councilmember Borgeas as the motion maker. Councilmember Borgeas questioned what it would say about Council when Council gets into a real debate and cannot muscle through some of the philosophies, agreed decorum and stability was needed but stated this is how government operates, and stated there is always going to be a natural institutional tension between the bodies, that was the design, and he was prepared to continue on, have a healthy debate and be civil, and stated his motion stood. Councilmember Xiong stated he appreciated President Brand trying to move Council forward, spoke to the issue of respecting one another and stated although there were two knowledgeable attorneys on council Mr. Sanchez, as the city’s attorney, is the person that represents Council and defines legal issues and he hoped Council would follow his advice, and stated if a continuance goes forward he would expect the same protocol in the future to any request/question that may arise from his office. Councilmember Quintero thanked President Brand for trying to extend all the items stating they needed to be looked at as one package and a continuance was the right thing to do, and added he appreciated all the work the committee did.

**(‘c’) RESOLUTION - INITIATING THE “WEST FRESNO GROWTH PLAN”**

Councilmember Baines spoke to the West Fresno Growth Plan issue and referenced Councilmember Westerlund’s comments on the scope of the committee, and presented questions relative to what the process was for land use issues, if initiating the West Fresno Growth Plan this date would be slightly outside of the normal procedure, if the plan would come back to council for consideration after going to the planning commission, and if the committee exceeded its scope based on the initial foundation of the subcommittee, with Mr. Sanchez responding and explaining issues throughout. Councilmember Baines stated he had not had an opportunity to vet the idea of a West Fresno Growth Plan to his community and stated his questions/concerns dealt with what the initiation process involved, if public informational meetings were included, if he might face backlash from his community if he were to support the resolution this date without first vetting the issue, and if there was already a West Fresno Growth Plan and if this plan would be the specific plan for that. At this point President Brand called for a brief recess.

**RECESS – 3:01 P.M. – 3:18 P.M.**

Referencing Councilmember Baines’ questions on what impact initiation of the West Fresno Growth Plan would have on his district Councilmember Westerlund advised former city planning director Al Solis stated the West Fresno Growth Plan was different from the Edison Community Plan so that should not open things up, and continued stating it was understood the committee could not violate the Brown Act by discussing items with a fourth member, a 30 day continuance would give everyone a chance to talk about the issues and allow new members to get some idea on how this would impact their district and respond to calls from the public, and stated without 30 days and a staff report impacts, costs, and staff time will remain unknown.

Upon questions of Councilmember Baines Councilmember Xiong stated as policy makers Council can include the Southwest Fresno plan in the West Fresno Growth Plan and elaborated further on the issue. After additional questions on the existing plans former planning director Al Solis clarified west Fresno has historically been viewed as southwest Fresno and is covered by the Edison Community Plan, and the West Fresno Growth Plan area was generally west of Freeway 99 and north of Roeding Park, with discussion ensuing. Councilmember Baines stated his community was going to have questions, he was not confident he could talk to district residents about this matter with any level of education, and a policy discussion was needed as the merits were there and he wanted clarity before voting on initiating the plan. Councilmember Westerlund reiterated all these issues needed to be properly vetted with questions answered, and elaborated further and stated he would be voting “no” on the remaining items because Council had not heard staff’s side even though he would like to support some items.

Councilmember Quintero noted southeast was where Council directed growth to go, stated if SEGA work is suspended a big concern of his would be using some of the southeast funds to initiate the West Fresno Growth Plan, and stated he wanted former planning director Nick Yovino to speak to the background of SEGA as it tied into items ‘c’, ‘d’, ‘e’ and ‘f’. Mr. Yovino stated in discussions with the county back in 2001 it was clear southeast was the preferred direction for the city to grow but added that did not mean the west was going to be abandoned, **(7 – 0)** relative to a growth plan for the west area stated the one big issue/problem was the county’s rural residential land use policy and explained, stated the city needed strategies to work jointly with the county to develop a coordinated capital improvements program for sewer/water infrastructure and to assemble the hundreds of county parcels, recommended Council go one step beyond meeting with the planning commission and meet with the Board of Supervisors as the county has not stopped creating lots which was where the issue was at, and stated he felt Council needed a staff report and discussion before voting on this as there was a lot to the west area issue and a long history with SEGA dating back to 2000-2001. Councilmember Quintero stated if Council supports making changes that was fine but he felt it was important to understand the direction/planning/work that went into SEGA before starting to enhance another area. President Brand stated he saw SEGA was something that was too far out in the future and acknowledging there were problems in west area stated that was where the water, infrastructure and El Paseo were at and the area was more in the immediate future to produce results, jobs and benefits to the city.

Acting President Olivier offered a compromise to also continue item ‘c’ for 30 days for further review/information and because staff was being asked to do something, but move forward on items ‘d’, ‘e’ and ‘f’ as those items were direction to explore. Councilmember Borgeas responded and stated there were a lot of questions, all were in agreement that something needed to happen in the west area and information was needed on what the options were, and made a motion to amend the Resolution as follows: Page 1, Item #2, to read: *Direct staff to return within 60 days with a report on options, costs and the feasibility of creating a West Fresno Growth Plan*, and on Page 2, eliminating #3 and #4. Mr. Scott stated that was an issue that was not even on the agenda but evolved from something on the agenda with no background or discussion with the administration, expressed concern with this new movement for a new study which he had no idea how to even respond to at this point, added he thought the whole point of the 30 days was for staff to try sort things out and report back with a responsible and appropriate response to the issues listed on the agenda, added the West Area Growth Plan was already a piece of the general plan going on, and again requested 30 days to allow staff to come back with a report on the initial issue adding staff would also try to address this new issue within that 30 days.

Councilmember Borgeas stated to build consensus while still maintaining the integrity of the Council body Council could allow this resolution to come back in 30 days, and questioned if the resolution could still include the amended #2 as verbalized above. Mr. Scott clarified staff would come back in 30 days with a response to information provided last Friday and part of that would include discussions on the five recommendations ('b', 'c', 'd', 'e' and 'f'), of which the west area plan was included. Councilmember Westerlund implored Council to be reasonable and allow 30 days to have the city manager report back and further expressed his concerns.

On motion of Councilmember Borgeas, seconded by Acting President Olivier, duly carried, RESOLVED, the above entitled Resolution (item 'c') continued 30 days, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Brand
Noes	:	Quintero, Westerlund, Xiong,
Absent	:	None

**('d') RESOLUTION NO. 2011-20 - DIRECTING STAFF TO ESTABLISH A PRIORITY LIST OF PLANNING, INFRASTRUCTURE AND LAND USE PROJECTS**

A motion and second was made to adopt the resolution. Councilmember Westerlund stated he believed there was already a priority list in place which was called the 2025 General Plan adding off of that were the specific plans, and stated the general plan was the city's blueprint, this needed to be looked at in terms of the entire picture, and if Council were to get the mayor's buy-in that would make the process much better in moving forward and requested 30 days be given.

On motion of Councilmember Borgeas, seconded by President Brand, duly carried, RESOLVED, the above entitled Resolution No. 2011-20 hereby adopted, by the following vote:

Ayes	:	Borgeas, Olivier, Xiong, Brand
Noes	:	Baines, Quintero, Westerlund
Absent	:	None

**('e') RESOLUTION NO. 2011-21 - DIRECTING STAFF TO EXPLORE THE PERCENT OF INFILL LAND DEVELOPED AS A TRIGGER FOR COMMENCING WORK ON SEGA**

Councilmember Westerlund stated it was not clear to him what staff was being directed to do and it was his understanding a trigger was already in place, and stated if the trigger was going to be changed he wanted staff to weigh in on that before giving them direction.

On motion of Councilmember Borgeas, seconded by President Brand, duly carried, RESOLVED, the above entitled Resolution No. 2011-21 hereby adopted, by the following vote:

Ayes	:	Borgeas, Olivier, Xiong, Brand
Noes	:	Baines, Quintero, Westerlund
Absent	:	None

**('f') BILL NO. B-6 - BILL FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL CODE RELATING TO CONTRACTS NOT REQUIRING COMPETITIVE BIDDING**

Councilmember Westerlund stated this was an important issue and time was needed to look into it, stated this was about consultant contracts and was not buying commodities/automobiles/staples, etc., spoke to the services consultants provide and the work they do, asked Council to step back and take a hard look at this before putting a particular structure in place, and elaborated further on the matter including the issues of hiring of Cathorpe for the SEGA plan and violation of the administrative order on sole sourcing.

City Manager Scott stated this item was a little different from some of the others as this was immediate action and staff was not being requested to provide a response, and stated he was not prepared to say what the implications are of this amendment and requested 30 days to allow him to consider the issue and report back.

City Attorney Sanchez stated his office takes its advocacy and defense of the city's positions very seriously, his office consistently advises of options to Council including risk levels and the normal process was followed in this case, his office did advise staff there was a violation of the administrative order and the fact that staff did not provide that information to the chain above them was not in his control, and requested time to prepare a report to Council because this item gets into matters related to attorney-client communications. Councilmember Westerlund stated he listened to the tapes, the city attorney was silent, and stated even if staff did not flag the violation issue at the appropriate level it was the city attorney's job to bring the matter to Council's attention. Mr. Sanchez stated he discussed this issue with Councilmember Westerlund wherein he explained his position and how he was somewhat handcuffed as he could not go into details due to attorney-client communication, and stated he was very confident in the position he took and would lay that out in his memo to Council.

President Brand stated what he learned in this process was the city spends way too much money on consultants and explained, and acknowledged consultants were important but stated even if Calthorpe was the best the point here was the importance of process as taxpayer money was being spent and urged support.

On motion of Councilmember Borgeas, seconded by President Brand, duly carried, RESOLVED, the above entitled Bill No. B-6 introduced before the City Council and laid over, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Xiong, Brand
Noes	:	Quintero, Westerlund
Absent	:	None

-----

**(10:00 A.M. #2) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 4:09 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF FEBRUARY 3, 2011**

On motion of Acting President Olivier, seconded by President Brand, duly carried, RESOLVED, the Agency minutes of February 3, 2011, approved as submitted.

**(‘A’) JOINT COUNCIL/AGENCY RESOLUTION NO. 2011-22/1774 – DESIGNATING POSITIONS WHICH SHALL BE SUBJECT TO THE CONFLICT OF INTEREST CODE AND DEFINING CATEGORIES OF DISCLOSURE FOR SUCH POSITIONS**

City Clerk Klisch stated the staff report was explanatory and complete and she would respond to any questions.

Barbara Hunt, 2475 S. Walnut, stated the City Council acting as the Redevelopment Agency was a conflict of interest and expressed additional concerns.

On motion of President/Member Brand, seconded by Councilmember/Chair Westerlund, duly carried, RESOLVED, the above entitled Joint Resolution No. 2011-22/1774 hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Olivier, Quintero, Xiong, Westerlund
Noes	:	None
Absent	:	None

**(‘B’) COUNCIL RESOLUTION NO. 2011-23 - AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND ACCEPTANCE OF 2010 HOUSING-RELATED PARKS PROGRAM FUNDING AND EXECUTION OF PROGRAM DOCUMENTS (\$857,075 IN PROGRAM FUNDS [PROPOSITION 1C] FOR THE NEIGHBORHOOD YOUTH CENTER)**

HCD Manager Casares reviewed the issue as contained in the staff report as submitted, and noted the Notice of Funding Availability (NOFA) was currently suspended by the State, they would not be accepting applications in the near future but planned to open NOFA later in the year, and stated with approval of this resolution staff would be ready to submit the application.

Barbara Hunt spoke to the importance of spending money on low income housing and expressed concern with the city giving parks away.

Chair Westerlund noted some of the language contained in the staff report title was not included in the agenda title and questioned if that was an issue, with ACM Rudd and Chief Deputy City Attorney Hale explaining issues and stating the agenda title was a reasonable description. Chair Westerlund stated he always had issues with the EOC gym and how it came into the city's possession and would stay consistent and not vote in favor of this item and the following gym item. Ms. Casares and Mr. Rudd responded to questions of Councilmembers Xiong and Olivier relative to whether the full \$857,075 was for the gym, size of the park amenity, funding sources/identified funding for the gym, the Martin Ray Reilly Park and the Universally Accessible Park **(8 – 0)**, what the future cost was to maintain the gym as opposed to moth-balling/letting it sit, if passage of this resolution was not a guarantee that Martin Ray Reilly park would be built, and consequence if this resolution were to fail.

On motion of Councilmember Xiong, seconded by Acting President Olivier, duly carried, RESOLVED, the above entitled Resolution No. 2011-23 hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong
Noes	:	Brand, Westerlund
Absent	:	None

**(‘C’) JOINT COUNCIL/AGENCY RESOLUTION NO. 2011-24/1775 – MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW, AND AUTHORIZING THE EXPENDITURE OF \$500,000 FOR INSTALLATION OF LANDSCAPING AND FACILITY IMPROVEMENTS FOR THE NEIGHBORHOOD YOUTH CENTER AT CALIFORNIA AND ELM AVENUES**

Speaking to the issue were: Barbara Hunt who spoke to the southwest Fresno GNRA and in support of the Governor's RDA proposal; and Brunette Harris, HEAT for Southwest Fresno, who expressed concerns with (1) the facility stating it was not a "youth center"/not a community building/not open to the public, (2) the entire council making west Fresno decisions without being D3's representative and without community input, (3) conflict with Council acting as the RDA and intent to get the attorney general involved, and (4) objection to using CDBG funds.

Councilmember Baines expressed his support and made a motion to approve, which motion was seconded by Councilmember Quintero.

Chair Westerlund stated the concerns expressed in the previous item pertained here and he would stay consistent and not vote in support. Executive Director Murphey, ACM Rudd and Councilmember Baines responded to questions and/or comments of Councilmembers Borgeas and Olivier and/or clarified issues relative to the funding sources, where the funds originated from, if funding was currently in hand, consequence if the \$500K is not appropriated, if this was the best use of funds/if other options existed in southwest Fresno, if the city will not be able to maintain the facility once it is built, the resolution needing to be adopted in order for the facility to be opened, the option of leasing the facility to a non-profit to operate, concern with completing a project that cannot be maintained, importance and benefit of this project to the community, and the RDA's smart move in leveraging funds with two other agencies. Councilmember Xiong spoke to the background of the issue and urged Council to stay the course and finalize this project. Councilmember Baines stated the city manager was being cautious because things have not been finalized but stated he could say with a resounding 'yes' that there was genuine community interest about taking over the lease and operating the facility so it will not be a burden to the city and added he has been receiving a number of calls daily. Chair Westerlund added the \$500K of RDA dollars going into this project was exactly what those dollars were designed for and upon his question Mr. Rudd confirmed staff has received and was fielding a number of requests to take over this facility which would probably necessitate going out with an RFP. Chair Westerlund added he never once voted for this project due to various concerns but stated he toured the facility, concurred it was needed in the community, and stated he would be supportive.

On motion of Councilmember/Member Baines, seconded by Councilmember/Member Quintero, duly carried, RESOLVED, the above entitled Joint Resolution No. 2011-24/1775 hereby adopted, by the following vote:

Ayes	:	Baines, Olivier, Quintero, Xiong, Westerlund
Noes	:	Borgeas, Brand
Absent	:	None

----

The joint bodies adjourned their meeting at 4:53 p.m. and the City Council reconvened in regular session.

**(9:15 A.M. 'C') RESOLUTION NO. 2011-25 - 69<sup>TH</sup> AMENDMENT TO AAR 2010-138 APPROPRIATING \$500,000 OF REDEVELOPMENT AGENCY FUNDING IN THE PARCS DEPARTMENT TO CONSTRUCT LANDSCAPE IMPROVEMENTS AT THE NEIGHBORHOOD YOUTH CENTER LOCATED AT 1802 E. CALIFORNIA AVENUE**

ACM Rudd gave a brief overview and a motion and second was made to adopt the resolution.

On motion of Councilmember Baines, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2011-25 hereby adopted, by the following vote:

Ayes	:	Baines, Olivier, Quintero, Xiong, Westerlund
Noes	:	Borgeas, Brand
Absent	:	None

-----

**UNSCHEDULED ORAL COMMUNICATIONS:**

Barbara Hunt spoke to her support for the Governor's RDA proposal, and expressed concerns relative to the City Council acting as the RDA and the JPFA, the council election signature gathering process and the election being illegal, the West Fresno School District and surrounding schools, housing issues, and city official raises.

Brunette Harris, HEAT for Southwest Fresno, stated they wanted the RDA and planning eliminated and had so advised the Governor's office, stated the west Fresno community did not ask for the EOC center/gym, and expressed concerns relative to city council votes on District 3 issues, D3 representation, use of HUD dollars, Council discussions/actions on southwest Fresno without community meetings/input, and southwest Fresno being a "cash cow" for the city,

-----

**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 5:01 p.m. having arrived and hearing no objection, President Brand declared the meeting adjourned.

***Approved*** on the \_\_\_\_17th\_\_\_\_ day of \_\_\_\_February\_\_\_\_\_, 2011.

_____/s/_____ Lee Brand, Council President	ATTEST: _____/s/_____ Yolanda Salazar, Assistant City Clerk
---	--